

FILED

NOV 16 2009

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ATSER RESEARCH
TECHNOLOGIES, INC.,

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vs.

RABA-KISTNER
INFRASTRUCTURE, INC., *et al.*

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CIVIL ACTION NO.
SA-07-CV-093-H LH

**PLAINTIFF ATSER RESEARCH TECHNOLOGIES, INC.'S
NOTICE OF APPEAL**

Notice is hereby given that Plaintiff ATSER Research Technologies, Inc. ("ATSER") hereby appeals to the United States Court of Appeals for the Federal Circuit from the final judgment entered on August 27, 2009, [Doc.243], and all related orders, rulings, findings, and/or conclusions of the Court adverse to ATSER, including (without limitation) the order entered on August 27, 2009 [Doc.242] (granting Defendants' motion for summary judgment).

ATSER also appeals from the order entered on October 14, 2009 [Doc.253] denying ATSER's motion for reconsideration, to the extent that order is not subsequently vacated by the district court and is given legal effect.

ATSER also appeals the order entered on October 23, 2009 [Doc.254] (granting Defendants' Motion to Find this Case Exceptional under 35 U.S.C. § 285).

Further, ATSER appeals the order entered on March 2, 2009 [Doc.168] (order regarding claim construction).

A check for \$455.00, representing the \$450 fee for docketing a case on appeal specified in 28 U.S.C. § 1913 and the \$5 fee for filing a notice of appeal specified in 28 U.S.C. § 1917, is being forwarded to the Clerk of Court.

Respectfully submitted,

MehaffyWeber, P.C.



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**Counsel for Plaintiff
ATSER RESEARCH
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CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2009, I served the attached document via certified mail, return receipt requested, to the following:

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ATTORNEYS FOR DEFENDANTS RABA-KISTNER INFRASTRUCTURE, INC.; RABA-KISTNER CONSULTANTS, INC.; BRYTEST LABORATORIES, INC. d/b/a RABA-KISTNER-BRYTEST CONSULTANTS, INC.; RABA-KISTNER-ANDERSON CONSULTANTS, INC. f/k/a RABA-KISTNER CONSULTANTS (SW), INC.; LONE STAR INFRASTRUCTURE, LLC., and LONE STAR INFRASTRUCTURE, JOINT VENTURE



Eric Adams